
**INFORMATION PAPER ON
THE PROPOSALS FOR A YOUNG PERSONS
SPORTS AND RECREATION FACILITY
AT HADLEIGH PARK**

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1.0 Preliminaries

- 1.1 This paper has been prepared by the Farnsfield Parish Council (“FPC”) to provide the village of Farnsfield with information concerning the proposed siting of young person sports and recreation facility (YPSF) at Haleigh Park.
- 1.2 It follows from a round of consultation in which many residents have indicated their strong support for the project but also some have indicated their strong objection.
- 1.3 This paper seeks to provide clear information
 - 3.3.1 About the project.
 - 3.3.2 How the FPC is dealing with the issues raised.
 - 3.3.3 About when the FPC will make a final decision as to whether they wish to proceed with this project.

2.0 Background behind the Decision to Consider an YPSF and Pre-site Choice Consultation

- 2.1 A brief overview of the current position is set out below.
- 2.2 It is fair to say that the idea of providing better facilities for the young people (“YP”) of Farnsfield has been an objective of FPC for many years. The idea of a YPSF has also been discussed for many years and consultation with the Village had certainly begun by 2013.
- 2.3 The Clerk in his report to the annual general meeting held on 23rd April 2013 [Appendix I] stated

“A proposal was made to the Parish council by a group of children for a skate park in the village. Now the play area is complete steps have been taken to consider the feasibility of this and to find a suitable location obtain costs and funding”

Later in his minutes it was recorded:

A group attended with Fran Scothern and raised the issue of the skate park in the village They were informed that some preliminary work had been undertaken following a presentation to the Council the previous year and this has been pursued with consultation with an advisor from NCC. The preferred alternative site being Parfitt Drive and Wilson’s Field; the latter being the most suitable according to the advisor. A short discussion followed and the group suggested that Parfitt Drive was the preferred option in the village, it was also the preferred site by the previous group. It was agreed that further work would be done to get some designs, hold a meeting and consider the views of the potential users, taking into account the materials used to construct the site, possibility of vandalism and inappropriate use. The Clerk stated that he had asked for some initial design plans to be made available for consideration with a view to starting off the project and adding to it if required. The group were invited to

participate in the consultation meetings, the first information would likely to be available for the Council meeting on 28th May 2013. Following a basic agreement planning advice and consultation would commence prior to a fund raising bid being compiled; this would need to commence by July 2013.

- 2.4 In 2015/16 the FPC launched its biggest ever consultation with the Village in order to facilitate the creation of the Farnsfield Neighbourhood Plan. One of the factors that was considered important by the respondents to that consultation was the need for better facilities for the YP of the village including skate parks, bike trails and a fitness trail. **Appendix II** is an extract taken from the FPC website which was posted in 2016.
- 2.5 The provision of the YPSF is part of a more holistic vision that FPC is considering for linking Hadleigh Park to the Acres and ultimately the millennium woods. This could be through a series of interlinking paths and cycle ways with the provision of fitness facilities, creating a park accessible to residents of all ages.
- 2.6 The ability and opportunity to provide such facilities has recently arisen through payments received by the FPC from new developments. It is worth noting that those new developments have also increased the number of children and young people in the village.
- 2.7 Given this funding opportunity and following on from the Neighbourhood Plan consultation the FPC developed the 2017/18 strategic plan which identified the following as priorities:
 - 2.6.1 The provision additional facilities for young persons
 - 2.6.2 The provision of Community gardens, Wetlands and Millennium Woods
 - 2.6.3 Upgrading access to the Pavilion and security arrangements

Further details are available on the FPC Website.

3.0 Choice of site

- 3.1 The FPC then carried out a top-level feasibility study of the available FPC assets. The report at Appendix III is attached. The consequence was that the FPC decided that the two most favourable sites were Wilsons Field and Hadleigh Park. A non-exhaustive list of some of the factors that the FPC took into consideration when deciding upon the most appropriate site was that Wilsons Field already had YP's facilities, suffers from car parking issues and traffic congestion on Station Lane and has the complicating issue of public footpath running across it.
- 3.2 Hadleigh Park on the other hand is a designated open space with ample and easily accessible car parking facilities. Whilst this side of the village has a

children's playground it does not have facilities for older YPs. In addition, the population of the village and hence YP will be expanding with new "family style" housing estates being built on Southwell Road and off Milldale. It was also felt as Hadleigh Park, as opposed to The Acres, is well used and overlooked, that this location provides a safer integrated environment which will promote positive behaviour.

4.0 Site Feasibility Study

- 4.1 Having made the decision that Hadleigh Park was the most favourable site the FPC is now in the process of carrying out a detailed feasibility study of Hadleigh Park for the YPSF.
- 4.2 To assist the FPC it decided to set up a working party. The working party was set up in July 2016 and is made up of a number of Volunteer Councillors and residents who expressed an interest at the time. At this point there are 2 non-Council members on the working party and four Councillors.
- 4.3 In order to assist the FPC in its decision-making process it decided that it needed the assistance of a specialist facility designer.
- 4.4 To identify the designer three independent designers were asked to present to a public meeting upon the type of Skatepark they could offer. That presentation took place on Tuesday 17th October 2017.
- 4.5 All 3 presentations were well made and received positive feedback and offered different designs. Freestyle was chosen as the favoured designer. One of the principle reasons behind this choice was because it offered a design approach which was felt to be most sympathetic to the local community and landscape. It was felt that its design approach would suit all age groups and provide an attractive, unobtrusive and sympathetic, recreational facility for the village as a whole. Freestyle offered a concrete option which is quieter, more hardwearing and with less maintenance than a wooden or steel structure.
- 4.6 In order to engage further with Freestyle and move to a more in-depth feasibility study of the area it was necessary for the FPC to pass resolutions as to the preferred location and provider of the facility.
- 4.7 It should be stressed that the final decision for Freestyle to build a facility at Hadleigh Park has not yet been made. At this point the decision is subject to contract. A final decision will only be made when the FPC agrees to formally enter into a contract with the designer.

5.0 Consultation and Issues Raised

- 5.1 As part of the ongoing feasibility study the FPC is now embarking upon a consultation process in order to understand and respond to any objections to or suggestions in support of the facility that are put forward.
- 5.2 During the consultation to date some of the main issues that have been raised so are as follows:
- 5.2.1 Drainage.
 - 5.2.2 Noise.
 - 5.2.3 Legality of installing a YPSF on Hadleigh Park.
 - 5.2.4 Possible anti-social behaviour.
 - 5.3.5 Budget for upkeep.
 - 5.4.6 Safety of crossing on Southwell Road.
- 5.3 The FPC recognise that nearby residents have concerns and is committed to working with them to alleviate their concerns. However, Hadleigh Park is an asset of the Village and the FPC has duty to maximise the use of its assets for every age group.

Drainage

- 5.4 The FPC can confirm that as part of the feasibility study the designer will be tasked with carrying out a drainage survey to ensure that any YPSF is not constructed so as to conflict with any existing drainage and furthermore that appropriate drainage is installed.

Noise

- 5.5 Taking into account the concerns of nearby residents the FPC will, if required, undertake a noise survey to ensure that any noise generated from public use of the facility will comply with statutory noise tolerances.

Legality of installing a YPSF on Hadleigh Park.

- 5.6 Appendix IV sets out FPC's response to an issue raised by nearby residents that building a YPSF would be unlawful.

Possible Anti-Social Behaviour

- 5.7 The FPC understands the quite natural concern of residents that the YPSF may become a focus for anti-social behaviour. The FPC would like to make the point that it is hoped that the opposite will be true and that the YPSF will in fact promote positive behaviour from its YP. It is hoped that YPSF will provide ownership and engagement, and a place to positively engage with each other and the Community at large through a healthy activity. It is clear from the presentations and consultations that there is very real interest from

the YP and their families in the Village and it is expected that the existence of the YPSF will in itself promote its use from both male and female YP alike.

- 5.8 To provide some reassurance hours of use will be considered as part of the consultation process. If issues do arise then the Council is discussing contingency plans to ameliorate any issues and these could include the installation of CCTV equipment and the implementation of Bye laws to define hours of use.

Budget for the YPSF upkeep

- 5.9 The FPC is considering a budget for its upkeep which will be monitored to ensure that there is capacity provided for any additional funding necessary.

Safety of crossing on Southwell Road.

- 5.10 Whilst ultimately parents and individual YP have to be responsible for their safety on the roads the FPC will consult with Nottinghamshire County Council as to whether a 20mph speed limit can be imposed from the edge of the village to the junction with Ridgeway.
- 5.11 The FPC believes that the above measures will enable the FPC to make a final decision about whether Hadleigh Park is the right place for an YPSF and if so the most appropriate place to site it on the open space.
- 5.12 As part of the ongoing consultation and to assist residents Freestyle has agreed to meet with residents in order to explain the design that they propose and the impact that it will have on the area and hopefully to alleviate any concerns that residents may have. It is hoped that as many of the residents as possible who have voiced concerns over the project will attend this meeting on Thursday 30th November.

6.0 Process Leading to a Final Decision

- 6.1 Some residents have expressed a view that they have not had chance to express their concerns fully. To reassure residents the FPC would like to make clear the process that they will follow before a final decision is made.
- 6.2 The Council, in conjunction with Freestyle will issue a report of the findings of the detailed feasibility study of Hadleigh Park for the YPSF
- 6.3 Residents will then be given an opportunity to comment further.
- 6.4 After considering any objections the FPC will then pass a resolution whether it wishes to proceed. This will be the stage at which a final resolution will be passed.

6.5 If the resolution to proceed is passed then in order to allow any objectors the maximum opportunity to express their views the FPC's favored route is to apply for planning permission. This may not be possible as the Planning Authority (NSDC) may refuse to entertain a planning application if the park comes within permitted development rights.

6.6 If a planning application is not possible then the FPC will proceed to contract with Freestyle.

7.0 Conclusion

7.1 This paper sets out the FPC's policy in regard to the consultation and implementation of a YPSF. FPC would like to take this opportunity to thank everyone who is currently engaging in this consultation. FPC would also like to reassure residents that they will keep an open mind as to any issues raised and will endeavor to work with the residents to create a recreation facility that the community as whole can be proud of if it is possible to do so.

Dated 29th November 2017

Farnsfield Parish Council

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APPENDIX I

FARNSFIELD PARISH COUNCIL

Minutes of a meeting of the Annual Parish Meeting held at 7.00pm on Tuesday 23rd April 2013 in the Library, Village Centre, New Hill, Farnsfield.

Present

Cllrs. K Clarke (Chair), C Collingham, R Davis, A Farr, E Holt, B McDowall, P Smith
M Salt, Clerk
7 Members of the public were present.

Minutes of the previous meeting

The minutes of the meeting held on 24th April 2012 were considered and accepted.

Matters arising

None

Clerk's Report

The Clerk circulated his report and invited comments.

ANNUAL PARISH MEETING REPORT 2012-2013

Councillors

The Councillors are:

Lynda Selby –Chair of the Council

Karen Clarke – Vice Chair

Roger Davis – Chair of Finance and General Purposes Committee

Bruce McDowall

Peter Smith

Matt Hamilton

Elaine Holt

Robert Reeves

Lawrence Weaver

Alison Farr

Chris Collingham

Council changes

Following the election in 2012 there was one vacancy which was filled by co-option after receiving 5 applications, the successful applicant being Chris Collingham.

Finances

The precept for 2012-13 remained unchanged at £63,000.

Some additional expense has been included in this year's accounts due to a large number of diseased trees being removed and replaced on Parfitt Drive.

Remedial work was required on the pavilion at the Acres following a bout of vandalism destroying the interior of the building.

Work has also been undertaken at the Village Centre with some flooring work in the Lower Hall and some other improvements.

The precept for 2013-14 will also remain unchanged at £63,000.

Planning

The Newark & Sherwood District Publication Core Strategy has now been adopted and changes some things in planning and development terms. We are now designated as a large village and housing development will be permitted, within strict limits and not to the detriment of the character of the village.

The areas of land off Milldale Road and Cockett Lane have been identified in the plan as potential sites for the inclusion of 105 dwellings in total, 35 at Milldale and 70 at Cockett Lane.

Contrary to many local rumours building work is not imminent as the normal planning process will now need to take place supported by the usual amount of local consultation.

There will inevitably be issues raised regarding the development of the village infrastructure to create the ability to cope with the extra dwellings and impact upon the village.

The placement of the 30mph sign on Mansfield Road added to these rumours of imminent development but whilst the 30mph limit is under review, as it appears to be too far out of the village, this is not connected with the planning proposals.

Environment

The Nottinghamshire County Council proposals to reduce the street lighting has not yet taken effect.

The play area at Lady Goodwin's Corner is undergoing substantial redevelopment with the support of funds from Farnsfield Parish Council, a grant from WREN and the support of Nottinghamshire County Council Local Improvement Scheme, NCC kindly agreed to manage the project and obtain the necessary planning consent etc and provide additional funding.

The Tennis Club have also been successful in obtaining a grant from NCC and are contributing some further pieces of fitness equipment on the site. We are currently awaiting NCC to sign off the project with the contractors and then consider what additional facilities will be required on the site.

It was planned to officially open the site in March but this had to be delayed to the inclement weather. A new date is awaited.

A proposal was made to the Parish Council by a group of children for a skate park in the village. Now that the play area is almost complete steps have been taken to consider the feasibility of this and find a suitable location, obtain costs and source funding.

A constant problem in the village has been related to dog fouling and owners failing to clean up the mess despite the Parish Council providing and funding the emptying of dog bins around the village. There are some areas particularly badly

affected and efforts are being made to persuade owners to clean up after them, by enforcement and fines if necessary.

Policing

Policing in the village appears to be non-existent and is only seen as a response to incidents.

Community Support Officers, (CSO's) for Farnsfield are:

Charlotte Appleby
Liam Batey

Communication

The Parish Council newsletter is issued on a regular basis and is circulated with the Newark Advertiser. We are also aware that circulation of free newspapers in the village does not cover all households, and it is published on the parish web site, for those who have access.

Additional copies are always available in the library and other sources in the village organised by Elaine Holt.

Your views are important and communication is often a one way route but there has been a pleasing increase in the number of residents communicating with us via the web site.

Vandalism

Continues to be a problem and concern, for with reducing resources the costs of making good any damage will become an increasing drain on funds normally earmarked for other purposes. There seems to be a desire to damage trees and drive cars on grassed open space areas.

Public vigilance is welcomed and any incidents reported to the Police at the earliest opportunity; we may get some response if the act of vandalism is in process and the Police can catch them at the scene. Confrontation is not recommended.

Mike Salt
Clerk to the Council.
16/4/13

Contact Numbers –

01623 882884: e-mail mail to: info@farnsfield-pc.gov.uk

A general discussion followed and it was suggested that notices advising the public to keep the village free from rubbish, including dog mess, could be posted on Broomfield Lane, Station Road, Ridgeway, Beck Lane, The Acres and Wilson's field. The Council to consider this as they require to be purchased and installed by Newark & Sherwood District Council.

A group attended with Fran Scothern and raised the issue of a skate park in the village. They were informed that some preliminary work had been undertaken following a presentation to the Council the previous year and this has been pursued with consultation with an advisor from NCC. The preferred alternative site being Parfitt Drive and Wilson's Field; the latter being the most suitable according to the advisor. A short discussion followed and the group suggested

that Parfitt Drive was the preferred option in the village, it was also the preferred site by the previous group. It was agreed that further work would be done to get some designs, hold a meeting and consider the views of the potential users, taking into account the materials used to construct the site, possibility of vandalism and inappropriate use. The Clerk stated that he had asked for some initial design plans to be made available for consideration with a view to starting off the project and adding to it if required. The group were invited to participate in the consultation meetings, the first information would likely to be available for the Council meeting on 28th May 2013. Following a basic agreement planning advice and consultation would commence prior to a fund raising bid being compiled; this would need to commence by July 2013.

Peter Sarr expressed his disappointment that all of the Councillors were not present to hear the comments from the public. He was informed that all expected were present as four had tendered their apologies for the main meeting and this ought to have been made known at the start of the meeting, although it was stated by Cllr. Clarke (Chair) that this was an open Parish meeting not a Council meeting and did not have the same format.

No other items were raised.

The meeting closed at 7.38pm.

FARNSFIELD PARISH COUNCIL

Minutes of a meeting of Farnsfield Parish Council held at 7.45pm on Tuesday 23rd April 2013 in the Library, Village Centre, New Hill, Farnsfield.

Present

Cllrs. K Clarke (Chair), C Collingham, R Davis, A Farr, E Holt, B McDowall, P Smith
M Salt, Clerk

Apologies for absence

Apologies for absence were received and accepted from Cllrs. L Weaver, L Selby, R Reeves, M Hamilton.
Apologies also received from Co Cllr A Stewart.

Minutes of the previous meeting

The minutes of the meeting held on 26th March 2013 were proposed for acceptance by Cllr. Davis, seconded by Cllr. Farr and agreed.

Declarations of interest

None received.

Recreational areas

Memorial Recreation Ground – An update was provided by the Clerk regarding the work outstanding to complete the contract with the suppliers and NCC prior to handover to the Parish Council. Cllr. Smith reiterated his concerns, at length, regarding the requirement to have a safety check carried out before the handover. The Clerk repeated his assurance that the play area would not be taken over by the Parish Council until the necessary checks had been performed and a certificate issued. It was agreed that NCC be requested to post a notice informing the public of the reason for the delay in opening the park. The Clerk informed the meeting that the Tennis Club had been successful in their bid to the Sports Legacy Fund and from this additional pieces of fitness equipment would be installed in the park.

The Acres – Cllr. Holt said that there had been the need to contact Newark & Sherwood District Council regarding dog mess in the area of Parfitt Drive and Southwell Trail. They had attended and cleared

up these areas and she suggested that some posters be displayed requesting the public to keep the areas clean and tidy.

Wilson's Field – There has been a need to clear up a quantity of broken glass from the area around the seat at the back of the multi pitch. The Clerk suggested that he was considering having the seat removed to another part of the field. This was agreed. Cllr Davis had suggested that the notices in the village should contain a 'risk' warning to the public. It was agreed that the Clerk renew the signs around the village without the 'risk' warning on them.

Footpaths and highways

P Stevens has contacted the Council regarding the reinstatement of the grass area on the Ridgeway, disturbed by Morrisons Utility Contractors. The site is generally in good order and NCC have been requested to check it. The litter bin is awaiting re-installation by Morrisons, discussions between them and the Clerk are still on-going.

It was agreed previously that some bulb planting should take place around the village – to be arranged.

The Clerk informed the meeting that NCC had responded to the message regarding a proposed pedestrian crossing on Main Street. The next phase is for them to undertake a survey.

Parish Plan

Planning – No matters to discuss.

Education and sport – no report.

Environment and tourism – it was suggested that a notice should be placed on the Old Gaol – the Clerk suggested that it should be discussed with the History Society.

Public Transport –No items.

Communications – No items.

Correspondence

The various items of correspondence were noted.

Finance

Accounts – a schedule of accounts were circulated with the papers for the meeting containing 7 transactions amounting to £4292.13.

This was proposed for acceptance by Cllr. Davis, seconded by Cllr. Smith and agreed.

The Clerk informed the meeting that the annual audit had commenced with the completion of the accounts and referral to the Internal Auditor. The audit date is set for 30th June 2013.

Planning applications

The following applications were considered:

13/00423/FUL – building of three new Live Work Units comprising residential property with integral office space at Heaxgreave Hall, Upper Hexgreave, Farnsfield

Application supported.

Cllr. Clarke abstained.

13/00459/FUL – application to erect glazed atrium/conservatory to link cottage to garage/office at Keepers 1 Upper Hexgreave, Farnsfield.

Application supported.

Cllr. Clarke abstained.

13/00460/FUL – application to erect glazed atrium/conservatory to link cottage to garage/office at Keepers 2 Upper Hexgreave, Farnsfield

Application supported.

Cllr. Clarke abstained.

The decisions made by Newark & Sherwood Planning Committee were noted.

Community Safety Group

No recent meeting to report from.

Farnsfield Village Centre

Cllr. Davis demonstrated that he had found a satisfactory way to repair the broken chairs and bring them back into use. The Clerk to arrange for the work to be undertaken at an appropriate time.

It was suggested that LED lighting should be installed in the centre; the Clerk stated that this was currently being considered.

Cllr Holt informed the meeting of her intention to stand down as a Councillor with immediate effect due to other commitments and she felt that she was unable to devote sufficient time to the Councillor role.

The Councillors present expressed their thanks to Cllr Holt for the work she had undertaken.

The meeting closed at 8.55pm.

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APPENDIX II

Farnsfield Neighbourhood Plan

FARNSFIELD
PARISH COUNCIL

What You Told Us

AT the end of last year a questionnaire was circulated to Farnsfield Parish residents asking their views on Farnsfield's future. The response was tremendous, with a high proportion of completed Questionnaire returns. Thank you for your valuable views.

You had a lot to say, so in analysis below we have only focused on 3 of the most important subjects and a selection of other comments and responses. You responded to the Questionnaire, and in total 273 returned which is fantastic.

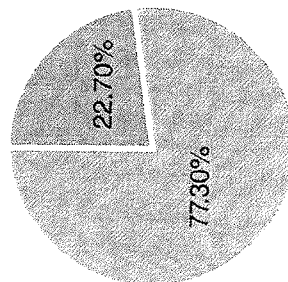
This enthusiasm has led us to press ahead with the next questionnaire, being aimed at the young, with the assistance of the Minster School.

You will appreciate that whilst we have chosen only 3 illustrative pie and bar charts, many other matters were raised and we included a selection below. We are currently working through all of your likes, dislikes and views for our future, with further research in to planning, environmental, highways and other bodies.

We plan to hold a further public meeting before completing the draft Neighbourhood Plan and look forward to your continued support. The date and venue for our meeting shall be publicised shortly.

Do you think Farnsfield requires more housing beyond the 142 planned additional dwellings in the time period up to 2040?

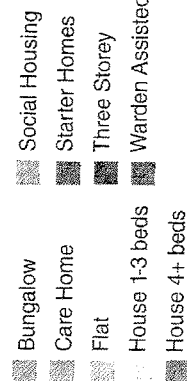
Yes
No



Many other issues were covered within the questionnaire, with a few of the responses noted below:

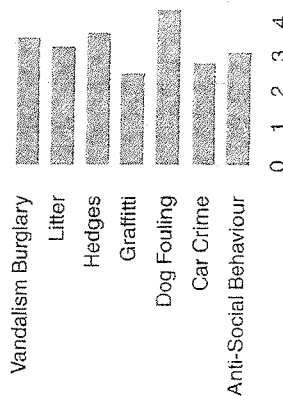
- The factors considered important when considering future planning or development proposals were: Amenities, Ecology, Heritage Assets and Highway Safety. All four of the factors were viewed of equal importance.
- Of those members of households travelling to work, the majority, 76% used the car with 16% using the bus and 8% using other means.

What type of housing would you like to see in any new development?



- Maintenance of the village topics included – Poor state of footpaths, hedges, dog fouling, potholes in roads, blocked drains and poor quality pavements.
- There is demand for community action groups with steering from Parish Council. To consider planting of open spaces, community gardens and more provision for the elderly including community buses.
- Inadequate parking facilities and the speeding of cars through village were a concern.
- Empty shops and pressure on existing services through housing developments were concerning many respondents.
- There were calls for better village signs, map of village displayed and trail maps and leaflets made available.
- More youth facilities including skate parks, bike trails and fitness trail would be welcomed.
- Many feel a need for more police/wardens for anti-social behaviour.

Which of the following are issues of concern for your household?



(Responses rated on a score of 1 to 5 of importance)

Contact Us

It is not too late to get involved, so if you are a resident within the Parish and want to make sure your opinion is heard please contact

**Martin Hubbard on 07792 649095 or write to
FARNSFIELD PARISH COUNCIL
The Village Centre, New Hill, Farnsfield, Newark,
Nottinghamshire, NG22 8JN**

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APPENDIX III

Agenda Item 4 17.74

24th October 2017

Report of the Skatepark Project Working Party.

Project Working Party (PWP): Cllrs. Clarke, Selby, Frost and Johnson, Mr Hazard and Mrs Hill.

Introduction

The project to provide an additional facility for young people in the village has been ongoing over a period of years. That facility will take the form of a skate park. The provision is within the Parish Council's Strategic Plan and a working party was formed to deliver the project within the business year.

Before agreeing a provider it was agreed that each prospective supplier would be given the opportunity to present a proposal and as a result, a presentation event held on 17th October, which was a great success. Three providers attended the event. One of the original five declined stating that the project was too small and one ceased trading during the consultation process. Over 42 residents and Councillors attended.

The term skate park provides too narrow a definition as in fact, as clearly demonstrated by the presenters such a facility can be used by skaters as well as boarders, and appeals to a wide range of ages and abilities.

From the feedback forms received at the end of the meeting the two most popular presentations were from Freestyle and Canvas who were subsequently shortlisted to enter into further dialogue with users and the council prior to contract award. Follow up meetings between the Working Party and Canvas and Freestyle have been arranged for early November. Both companies supply concrete parks which is the Council's preferred option.

Location

The Working party have considered both Hadleigh Park and Wilson's Field as potential locations for the skate park. The Working Group's recommendation is to site the skate park at Hadleigh Park adjacent to the children's play park for the following reasons:

- **Access** There is off road parking at Hadleigh Park. Younger children are likely to be accompanied by their parents/carers who may well access the site via a car. A Skate Park at Wilson's Field with no off-road parking would add to incidences of on road parking and congestion. Station lane is already congested and the road is narrow. Double decker buses pass down station lane. There is no pavement adjacent to the GP Surgery and Wilson's Field, which would require users to cross the road which is potentially hazardous for children and young people.
- **Safety** Children and young people can be vulnerable. Council has a duty of care to ensure that as far as practicable facilities provided are as safe as they can be. The proposed site at Hadleigh Park adjacent to the play park is overlooked by dog walkers passing by and users of the play park and open space. It is visible from the road. To site the park in an isolated location would be dangerous.
- **Noise** Concrete skate parks are less noisy than steel ones. There is already some tree screening in place at Hadleigh park which would help reduce any noise from the proposed concrete skatepark. Additional landscaping may further reduce this.

- **Future Development and social interaction** By siting the Skatepark at Hadleigh Park it allows for the possible future development of a route from the play park via the skate park past the allotments, community gardens, orchard and wetland development through the Acres and on to Millennium Woods. This would encourage wider community use and social interaction between many different age groups. The route would be wheelchair and pushchair friendly. The working party believe that antisocial behaviour is less likely when a site is well used by multiple groups of varying ages. The site also satisfies
- **Balancing facilities** There are many play areas and recreational facilities for young people on the West side of the village but only few on the East. There is development at Milldale and off Southwell Road which will lead to an increase in children and young people residing on the East of the Village. Siting the skate Park at Hadleigh Park would even out the spread of recreational facilities for young people over the whole spread of the village.
- **Wilson's Field** already has facilities for young people including the MUGA and football goal posts which are well used by the young people of the village. These would have to be removed to site the skate park. Creating the facility here would disproportionately reduce the available open space. There is also a public footpath through Wilson's field linking Station Lane to Mansfield Road and the Bus Stops. This is well used by residents. To re-site it would be expensive and detrimental.

Resolution

The working party propose that:

Planning permission be applied for a concrete Skate Park at Hadleigh Park, adjacent to the existing children's play area, based on a design to be produced in conjunction with the successful provide and users.

The working party will enter into dialogue with Canvas and Freestyle Concrete prior to making a final decision on the provider and the award of contract.

For and on behalf of the Skate Park Working Party

October 2017

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APPENDIX IV

APPENDIX IV

FPC response to legal arguments presented by Residents to the Hadleigh Park Community Project

1.0 Preliminaries

- 1.1 This Paper addresses the legal issues raised by some residents to the Hadleigh Park Community Project.
- 1.2 The issue is whether there is any form of legal restriction upon Farnsfield Parish Council (“the Council”) in constructing the skatepark on Hadleigh Park. (registered at the Land Registry under title number NT373593 (“the title”)).
- 1.2 In providing this answer the Council has not sought legal advice because it believes that this issue can be resolved from a simple review of the law and the documents available.

2.0 The Issue

- 2.1 The central issue is whether, when the land was transferred to the Council in 2002, restrictive covenants were placed upon the Council by George Wimpey UK Ltd restricting what use they could make of this area of land.
- 2.2 It has been suggested that even if such conditions were not expressly stated that restrictions on the use of the land could be implied. What that implied term would be has not been specified.
- 2.3 For the avoidance of doubt the Council does not have a copy of the operative transfer dated 5th August 2002 made between George Wimpey UK Ltd and the Council. It is noted that although it is referred to on the title the Land Registry do not have a copy either.
- 2.4 A copy of the 2002 transfer has not been produced. However even if it was the Council’s view is that this would not be relevant for the reasons set out below.

3.0 The Councils understanding of the relevant Law

- 3.1 The Council understanding is that the purpose of the Land Registration Act 2002 is to provide a conclusive system of registration so that it is possible to investigate title to the land online with the minimum of additional enquiries. This approach, adopted in 2012, has then been followed in subsequent cases. This enables the Council to form the view that the Court would not be willing to imply a covenant or to enforce an

express covenant that is not evident on the title but instead would only be willing to consider what is on the registered title.

- 3.2 Having reviewed the register for title number NT373593 the Council can only see one covenant that is directly relevant to this issue and that is contained at Entry 12 and reads as follows

12. (5th August 2002) A transfer which included the land in this title dated 24th July 2002 made between (1) George Wimpey UK Ltd (transferor) and (2) Farnsfield Parish council (transferee) contains the following covenants

The transferee covenants with the transferor to use and maintain the property as an open space amenity land pursuant to the Open spaces Act 1906 and for no other purpose whatsoever,

- 3.3 The Council has therefore considered the Open Spaces Act 1906 (OSA). It is clear that the Council is the local authority for the purposes of this Act.
- 3.4 The Council's understanding from reading the OSA is that the Council has wide powers to use the land for recreational purposes providing that it remains a public open space.
- 3.5 For the sake of completeness the title does also contains a separate covenant concerning the erection of a building across the surface water drain. Reserving the Council's position as to whether the skatepark would be classified as a building or erection in any event. The Council will make enquiries to confirm that there are no drains situated in the area under proposal .

4.0 Conclusion

- 4.1 The Council is of the view that the provision of the skate park is a reasonable exercise of it powers under the OSA as the area will remain open to the public as a recreation ground if the Skate park is built.
- 4.2 The Council believes that there is no legal merit in the case as currently advanced and without more consider that it is inappropriate to spend public money.
- 4.3 The Council clearly does not wish to do anything that is unlawful and accordingly maintains an open mind as to any new issues raised.

Farnsfield Parish Council

29 November 2017